Question of Privilege *re* : Arrest of Sri Vatal Nagaraj by Tamilnad Government.

ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ (ರಾಯಚೂರು).—ಸ್ವಾಮಿ, ನನ್ನ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ನನ್ನು ರೂಲ್ಸ್ 184 ಮತ್ತು 185 ಪ್ರಕಾರ ತಂದಿದ್ದೇನೆ. ಜನವರಿ 31ನೇ ತಾರೀಖು ಇನ್‌ಫರ್‌ಮೇಷನ್ ಬಂತು. ತಮಗೆ ಈ ವಿಷಯವನ್ನು ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಆಫ್ ಪೋಲೀಸಿನವರು ತಿಳಿಸಿದ್ದಾರೆ ಎಂದು ಹೇಳಿದಿರಿ. ಆದರೆ 184—185ರ ಪ್ರಕಾರ ಈ ವಿಚಾರವನ್ನು ತಕ್ಷಣ ಮಾಜಿಸ್ಟ್ರೇಟರು ತಮಗೆ ತಿಳಿಸಬೇಕಾಗಿತ್ತು, ಯಾತಕ್ಕೆಂದರೆ ಈ ಮಾನ್ಯ ಸಭೆ ಈಗ ಇಲ್ಲಿ ನಡೆಯುತ್ತಾ ಇದೆ ಮತ್ತು ಅವರ ಹಾಜರಿ ಈ ಸಭೆಯಲ್ಲಿ ಅಗತ್ಯವಾಗಿ ಬೇಕಾಗಿತ್ತು. ಈ ದೃಷ್ಟಿಯಿಂದ ರೂಲ್ಸ್ 184—185 ಪ್ರಕಾರ ಇನ್‌ಫರ್‌ಮೇಷನ್ ಅಧ್ಯಕ್ಷರಿಗೆ ತಲುಪಿಲ್ಲ. ಮತ್ತೊಂದು ವಿಚಾರ ಎಂದರೆ ನಾನು ಈ ಮೋಷನ್ ತಮಗೆ ನೋಟೀಸ್ ಕೊಟ್ಟಮೇರೆ ತಾವು ಇದನ್ನು ದಿನದಿನಕ್ಕೂ ಮುಂದೆ ಹಾಕುತ್ತಾ ಇದ್ದೀರಿ. ಇವೊತ್ತು ತಾವು ನಮಗೆ ತಿಳಿಸಿದಿರಿ ತಮಗೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಂದ ಈ ಪದ್ಧತಿ ಬಂದಿದೆ ಎಂದು. ಆದುದರಿಂದ ನಾವು ಇಲ್ಲಿ ಈ ಪ್ರಿವಿಲೇಜ್ ಸೂಚನೆ ಕೊಟ್ಟಮೇಲೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ತಡವಾಗಿ ಈ ವಿಚಾರವನ್ನು ತಿಳಿಸಿದ್ದಾರೆ ಎಂದು ಕಂಡುಬರುವುದು. ಆದುದರಿಂದ ಈ ವಿಚಾರ ಸಭೆಯ ಹಕ್ಕುಭಾಧ್ಯತೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಚಾರ. ಸಭೆಗೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಈ ವಿಚಾರದಲ್ಲಿ ಎಷ್ಟು ಜಾಗ್ರತೆಯಿಂದ ನಡೆದುಕೊಳ್ಳಬೇಕೋ ಅಷ್ಟು ಜಾಗ್ರತೆಯಿಂದ ನಡೆದುಕೊಂಡಿಲ್ಲ. ಆದುದರಿಂದ ಇದನ್ನು ಹಕ್ಕುಭಾಧ್ಯತಾ ಸಮಿತಿಗೆ ಕಳುಹಿಸಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ. ಆ ಸಮಿತಿಯು ಈ ವಿವರಗಳನ್ನು ಪರಿಶೀಲಿಸಲಿ. ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಈ ವಿಷಯವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಕ್ಷಣ ತಂದಿದ್ದಾರೆಯೇ ಎಂಬುದನ್ನು ವಿಚಾರಮಾಡಿ ಕಳುಹಿಸಬೇಕೆಂದು ನಾನು ಮೊತ್ತಮೊದಲು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

† **Sri D. B. KALMANKAR** (Aland).—The communication received is stated to be 31st January and the matter.....

Mr. SPEAKER.—The letter is dated 29th.

Sri D. B. KALMANKAR.—Sir The matter was raised here earlier. So under rule 184, information had to be given at the earliest, but after so much discussion was made in this Assembly, it appears it is sent. Now there is a question which involves a matter of privilege. So my submission is that this is a matter which pertains to an Hon'ble Member of this House, an Hon'ble Member who had been there as a citizen of India in exercise of his rights which is protected under article 19 of the Constitution ; and the action taken against him appears to be hasty and not legal. The Hon'ble Member was due here to take part in the proceedings of this House. So my submission is that the matter is a fit case to be referred to the Privileges Committee and it pertains to the prestige of this Hon'ble House.

†**Sri V. N. PATIL** (Humnabad).—I have also given notice of privilege Sir, and it is before the Chair.

Sir, on 28th, we have discussed this matter and we were assured by the Chair that after hearing us, you will dispose of the notices. There is a gap of three days from 27th to 29th. The Sub-divisional Magistrate did not take steps to inform this House. The letter of the Sub-Divisional Magistrate is received here on 31st. Generally when a charge-sheet is filed against the accused and if there is the slightest possible delay in submitting the charge-sheet, that will vitiate the proceedings. Here, there is abnormal delay by the Sub-Divisional Magistrate and definitely we are entitled to suspect the motives of that Magistrate as to why he delayed. We are entitled to

(SRI V. N. PATIL)

know about the safty and the health of the Hon'ble Member who is in jail. Actually, the Magistrate ought to have intimated this matter telegraphically to the Chair. The abnormal delay in intimating this House, will give rise to bona fide doubts. Therefore, they have definitely violated rules 184 and 185 as was argued in this House and it becomes a matter of Privilege. I therefore request the Chair kindly to refer it to the Privileges Committee so that the Privileges Committee may examine the matter in detail and after examining in detail, any step this House proposes to take on the recommendation of the Privileges Committee, that may be looked into.

Therefore, I request the Chair to refer this matter to the Privileges Committee.

MR SPEAKER.—I do not say anything in regard to the action of the Magistrate concerned. But it may kindly be noted that the intimation of arrest was received on the 28th at 12–10 and it was immediately announced. Probable orders for remand to judicial custody were passed by the Magistrate on 29th and on that very date. It was sent and it was received here on 31st. That question does not matter. About the so-called default on the part of the magistrate, I shall say a few words.

Hon. Member Sri Nagappa's contention is that the fact of remand to judicial custody of Hon'ble member Sri Vatal Nagaraj should have been intimated by the Magistrate and not by the Police Officer and that there is no intimation as to whether any bail was asked for and whether it was refused. Hon. Members Sri V. N. Patil and Sri Kalmankar have contended that the arrest itself is a breach of privilege.

Art. 194 of the Constitution deals with privilege. It states that there is freedom of speech in the House and that a member is not liable for any action in a court for anything said or any vote given in the House. In other respects the Legislature is empowered to define the privileges. Till they are defined they would be the same as those of the members of the House of Commons of U. K. as on 26th January 1950. The Legislature has not yet defined its privileges. The privileges of the members are the same as that of the members of the House of Commons.

A Member of the House of Commons has freedom from arrest but this freedom is restricted to only civil cases. In the case of criminal offences or detention under emergency powers there is no freedom from arrest but the fact of arrest or detention should be intimated by the concerned authority.

In the present case the arrest is for criminal offences and hence no privilage is attached to it. Further the fact of arrest has also been intimated by the concerned authority. Hence the question of breach of privilege does not arise. Again according to Rule 184 of our Rules

the fact of arrest has to be intimated by the person effecting the arrest. If there is conviction, then the intimation should be sent by the magistrate or the convicting judge. In the present case Sri Vatal Nagaraj has not been convicted and therefore there is no duty cast on the magistrate to send intimation. But all the same the magistrate has also sent the intimation.

The reason behind all this is that a member should not be prevented without sufficient grounds from attending the meetings. If anybody prevents, he should inform the Speaker about the fact why the member was prevented. All the requirements under the rules have therefore been complied with.

Hence the privilege motion is not in order.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ ತಮ್ಮ ಅಪ್ಪಣೆ ಪಡೆದು ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಮತ್ತು ಗೃಹಮಂತ್ರಿಗಳನ್ನು ಈ ಸಂಬಂಧದಲ್ಲಿ ಮಾಹಿತಿಗಾಗಿ ಕೆಲವು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳಬೇಕೆಂದು ಇದ್ದೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ತಾವು ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದೀರೇನು ? ಕೊಟ್ಟಿಲ್ಲದೇ ಇದ್ದರೆ ಕಾರ್ಯಕ್ರಮದ ಪಟ್ಟಿಯಲ್ಲಿ ಇಲ್ಲದೇ ಇದ್ದ ವಿಷಯವನ್ನು ಹೇಳುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಹಿಂದೆ ನಾನು ಕಾಲ್ ಅಟೆಂಷನ್ ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದೆ.

Mr. SPEAKER.—I am sorry to inform the hon. Member that I am unable to accept his calling attention notice. I have given a very lengthy ruling on this subject. The purpose of the calling attention notice is to get information from the Minister concerned. Obviously, the Home Minister or the Chief Minister will not be in a position to give that information unless they obtain it from the Tamil Nadu Government. The Tamil Nadu Government might send it as a matter of courtesy; but they are not bound to send it. Under the circumstances, I am sorry I cannot allow the calling attention notice motion for the same reason for which I could not give my consent to the adjournment motion.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ನಾನು ತಮ್ಮ ತೀರ್ಪನ್ನು ಒಪ್ಪಿಕೊಂಡಿದ್ದೇನೆ, ಅದನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುವುದಿಲ್ಲ, ನನ್ನ ಒಂದು ಅಭಿಪ್ರಾಯವೇನೆಂದರೆ.....

ಅಧ್ಯಕ್ಷರು.—ಆ ರೀತಿ ತಮಗೆ ಒಬ್ಬರಿಗೆ ಅನುಮತಿ ಕೊಟ್ಟರೆ ಪ್ರತಿಯೊಬ್ಬರಿಗೂ ಅನುಮತಿ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ರೂಲ್ಸ್ ಪ್ರಕಾರ ನೋಟೀಸ್ ಕೊಡಬೇಕು. ಅದನ್ನು ಕೊಡಿ, ಸರ್ಕಾರದವರಿಗೆ ಕಳುಹಿಸುತ್ತೇನೆ, ಅವರು ಉತ್ತರ ಕೊಡಬಹುದು.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ತಮ್ಮನ್ನು ಇಕ್ಕಟ್ಟಿಗೆ ಸಿಕ್ಕಿಸಿ ನನ್ನಂತೆಯೇ ಇತರರಿಗೂ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತಿಲ್ಲ; ತಮ್ಮ ತೀರ್ಪನ್ನು ಒಪ್ಪಿಕೊಂಡಿದ್ದೇನೆ. ನನ್ನ ಗಮನ ಸೆಳೆಯುವ ಸೂಚನೆ ಈ ರಾಜ್ಯದಿಂದ ಹೊರಗಡೆ ಆಗಿರುವ ಒಂದು ವಿಷಯದ ಬಗ್ಗೆ ಇದೆ.

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಹೇಳಿದ್ದೀರಿ, ಆ ಬಗ್ಗೆ ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೇನೆ, ಮತ್ತೆ ಏಕೆ ಆ ಪ್ರಶ್ನೆ ಎತ್ತುತ್ತೀರಿ ? The hon. Member may give me notice and I shall allow it. Unfortunately, the Chief Minister is not present today as; he is suffering from sore throat. If he is able to get the information I shall revise my opinion and allow your calling attention notice.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ತಾವು ಅನುಮತಿ ಕೊಟ್ಟರೆ ಮಾನ್ಯ ಡೆಪ್ಯೂಟಿ ಗೃಹಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಡಬಹುದು. ವಾಟಾಳ್ ನಾಗರಾಜ್‌ರವರು ಮತ್ತು ಅವರ ಸಹೋದ್ಯೋಗಿಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡುತ್ತಾರೆ ಎಂದು ಪತ್ರಿಕೆಯಲ್ಲಿ ಬಂದಿದೆ. ಇವತ್ತೋ ನಾಳೆಯೋ ಬಿಡುಗಡೆ ಮಾಡುತ್ತಾರೆ. ಅವರನ್ನು ಬಂಧನ ಮಾಡಿದ ಮೇಲೆ ಸ್ವಲ್ಪ ಅಮಾನುಷವಾದ ರೀತಿಯಲ್ಲಿ ಅವರ ಬಗ್ಗೆ ವರ್ತಿಸಿದ್ದಾನೆ ಅಂತ ಸುದ್ದಿ ಕೇಳಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ರಾಜ್ಯ ಸರ್ಕಾರದ ಗೃಹಶಾಖೆಗೆ ಗೊತ್ತಿರುತ್ತದೆ. ಅವರಿಗೇನಾದರೂ ನಾವು ಪತ್ರಿಕೆಗಳಲ್ಲಿ ತಿಳಿದುಕೊಂಡಿರುವುದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಸುದ್ದಿ ಗೊತ್ತಿದ್ದರೆ ದಯವಿಟ್ಟು ಈ ಮನೆಗೆ ಒದಗಿಸಿಕೊಡಬೇಕು. ಇಲ್ಲವಾದರೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ತುಂಬಾ ಕಳವಳಕಾರಕ ಪರಿಸ್ಥಿತಿ ಉಂಟಾಗಿದೆ, ಸಭೆ, ಮೆರವಣಿಗೆಗಳು ನಡೆಯುತ್ತವೆ. ಇಲ್ಲೂ ಲಕ್ಷಾಂತರ ಜನ ತಮಿಳು ನಾಡಿನ ಜನರು ಇರುತ್ತಾರೆ, ಅವರ ಬಗ್ಗೆಯೂ ನಾವು ಆಸಕ್ತಿ ವಹಿಸಬೇಕಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ತಮ್ಮನ್ನು ಕಳಕಳಿಯಿಂದ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ ಈ ಎರಡು ರಾಜ್ಯಗಳ ಮಧ್ಯ ಉಂಟಾಗಿರತಕ್ಕ ತಿಕ್ಕಾಟವನ್ನು ಕಮಿ ಮಾಡುವುದಕ್ಕೆ ಗೃಹ ಮಂತ್ರಿಗಳಿಗೆ ಏನಾದರೂ ಹೆಚ್ಚಿಗೆ ಸುದ್ದಿ ಗೊತ್ತಿದ್ದರೆ ತಿಳಿಸಬೇಕು.

Mr. SPEAKER.—Could the Deputy Minister for Home get any information from the Tamil Nadu Government?

Sri MANIKRAO PATIL (Deputy Minister for Home).—I am told that he has been arrested by another Government. How can this Government provide any information regarding his arrest.

Sri H. SIDDAVEERAPPA.—All that the members want to know whether the Mysore Government has received any communication from the Tamil Nadu Government on this incident or not?

Sri MANIK RAO PATIL.—No Sir.

Mr. SPEAKER.—I shall try to get that information through the Chief Minister.

Notice of Adjournment Motion *re*: the Mysore Maharashtra Boundry Dispute.

†Sri D. B. KALMANKAR (Aland).—Sir, I have given notice of an adjournment motion under Rule 60 regarding the implementation of the Mahajan Commission Report. Recently, it has come to our notice that the problem of Chandigarh was solved in favour of Punjab in spite of the Shah Commission Report according to which it was to be given to Haryana. Now doubts are being expressed that Belgaum and Karwar may not be retained by Mysore as recommended by the Mahajan Commission. Recently, the Deputy Chairman of Rajya Sabha Sri Koberagadde has stated at Yeotmal in Maharashtra that the Maharastra Ekikaran Samithi may be supported by the Maharashtrians and that opinion may be created among the major political opposition parties in the country so as to exert pressure on the Central Government to merge them in Maharashtra. This question is very important and unless this Government takes a very strong attitude regarding the implementation of the Mahajan Commission Report treating it as an award, there is every likelihood that the question may be decided against us. So, my submission is that the House may discuss this matter so that we may